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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,639	01/23/2002	Andre Belowsov	06502-0394-0000	3065
22852	7590	04/10/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,639

Applicant(s)

BELOWSOV, ANDRE

Examiner

Jeffrey C. Pwu

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112^{1st}

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 11, 17-18, 28-29, and 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims contain subject matter, “initiating a procedure to retrieve from the metrics database”, “to determine a subset of unique tags from the set of tags based on a condition”, “to combine like additive attributes”, which were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors(s), at the time the application was filed, had possession of the claimed invention. The disclosure lacks clear written description in the description of a procedure how to retrieve from a metrics database, how to determine a subset of unique tags from the set of tags and based on what condition, a clear description on how to combine the like additive attributes and what are the “like attributes”.

Claim Rejections - 35 USC § 112^{2nd}

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 1, 11, 17-18, 28-29, and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 11, 17-18, 28-29, and 39 are vague and indefinite because is unclear of the limitations “initiating a procedure to retrieve from the metrics database”, “to determine a subset of unique tags from the set of tags based on a condition”, “to combine like additive attributes”.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Stiles et al.

(US 6,842,737). Stiles et al. teaches claims :

1. A method of accessing metrics data comprising:

- providing a metrics database (archive center 334) comprising metrics data that describes characteristics of a software product;
- receiving a query; and
- initiating a procedure to retrieve from the metrics database a set of tags and to determine a subset of unique tags from the set of tags based on a condition (~travel related conditions); (col.1, line 50-col.2, line 22; col.5, line 22-col.6, line 58); “ the content repository segment

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(CRS) 91 stores, manages, and distributes substantially all acquired travel information that is considered persistent. Referring now to FIGS. 6 and 7, the content repository can be considered a "hub" for content and data. Although the content repository 91 includes both relational and object XML data stores 92, it can be accessed and managed through a central mechanism and driven by a single engine 94. The content repository 91, as shown, can provide facilities to store, view, import, organize, modify, export, and query travel-related information. It can include one or more physical data stores 92, 96, 98, 100, 102, 104, 106; the data engine 94; an integrated tool set for development; and, a centralized management facility 108. It can be appreciated, in an alternative aspect of the invention, that the content repository 91 could support extended data types including user-defined types and extended data types of audio and video. The content repository 91 can also include portions of the application of business logic in the data model. In one embodiment of the invention, the content repository comprises several technological components. A component environment is a dedicated content object layer. An application server 93 is provided that stores and processes data access/storage components 95. Services are enabled with Java Database Connectivity (JDBC) and open database connectivity (ODBC) drivers. An object request broker (ORB) is also employed (an object request broker) to manage object-to-object messaging and inter-ORB communications. The XML object engine 94 stores/retrieves XML objects from data stores 92, 102, 104 and has functionality based on schemas stored in a data map store 102. An XML parser 110 is included that checks syntactical correctness of schemas in the data map store 102 and ensures the formation integrity of incoming XML objects. An object processor 112 is included as a component to physically store XML data in the XML store 92. A query interpreter 114 resolves XML Query Language (XQL) requests and interacts

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with the object composer 116 to retrieve XML objects according to the schema stored in the data map store 102. The object composer 116 is provided to construct the information objects, based on storage and retrieval rules defined in the data map store 102, and return them as XML documents. There are also various utilities in this embodiment, including those that support directory and tree-oriented loading of XML objects. An external storage integration component (ESIC) (118) permits applications to access data regardless of database type or location. The data map (meta data) store 102 serves as the content repository's 91 knowledge base. The data map store 102 contains the schemas that hold the rules according to which XML objects are stored and composed, such as: (1) storage and indexing of XML objects within the content repository, (2) mapping of data to different data structures to enable the integration of existing data, and (3) executing user-defined application logic with a server extension function associated with an object. An SQL engine 120 manages an internal SQL store 104; executes SQL statements; and, accepts SQL statements in a number of ways: internally, from the object engine 94; from applications, which can be either embedded or through standard database interfaces such as ODBC (122), JDBC, or OLE-DB (124); and, from the content repository manager 108. The CR manager 108 provides an administration tool implemented as a graphical user interface (GUI) that runs in standard web browser. In addition, server extensions permit user-defined functions to be incorporated into the content repository 91.”)

2. The method of claim 1 wherein the determination of a subset of unique tags comprises: determining a set of unique identification attributes from the set of tags; calculating a set of combinations from the set of unique identification attributes; and selecting a subset of the set of

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combinations wherein each one of the subset of combinations matches a one of the set of tags.

("ISS 351 has three functional subsystems: Collection, Analysis, and Distribution/Storage.

In the invention, the Collection subsystem centers on an analyst or SME who has domain or geographic expertise. Standard content feeds for his/her domain are substantially continuously being examined, as is existing content in the CRS (91). In addition, more focused content is captured by ad hoc queries through both the CIS (51) and the CAAS (71). These queries can be run through a machine translator prior to content acquisition if specialized, foreign language content resources are presented as information sources. In addition, based on return set content, machine translators can also be used prior to CRS (91) storage. Analysts/SME's can also use an RSS Aggregation Module. This module can allow each analyst/SME to develop his/her own, personalized set of headline content that can be scanned on a regular basis. The CRS (91), outside of its standard data structure, has pre-applied templates that ensure the validity of information returned in analyst/SME queries. These templates are in the form of rules frameworks that are defined by partners such as a Health Information Board (HIB). The Collection subsystem relies on the interfaces between CRMS, PRMS (241), and MPS: Partner and Member activity history and itinerary information can contribute greatly as a background to information activity. Also key to the Collection subsystem is a collaboration network that the analyst/SME participates in with other analysts/SME's. Using the collaboration network, queries and return sets can be analyzed by more than one analyst/SME to ensure validity.")

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3. The method of claim 1 wherein the initiated procedure retrieves from the metrics database a set of additive attributes associated with each one of the set of tags. (see fig.13, Event/Alert Segment EAS; “an event/alert segment (EAS) (201) is responsible for the identification, selection, management, and distribution definition of events and alerts. The EAS (201) can support both manual and automated systems. The manual systems permit an Analyst, for example, to generate an Alert and forward it to the EAS (201) for processing. The EAS (201) can process an Alert by queuing it in priority order to a selection system operated by an Event Reporting Analyst. Alerts are reviewed to ensure that the system does not flood the distribution network with low grade or otherwise relatively insignificant Alerts. The Analyst can modify both the Alert content and attributes (duration, region of interest, level, and the like). An Alert can be sent back to one or more designated Analysts for review and comment as a high priority message. Once the Event Reporting Analyst releases an Alert, the EAS (201) determines the applicable members and establishes the distribution orders for the Alert. This information is passed to the Distribution Segment (DIS) (190) to perform transmission of the Alert to various distribution networks, such as by pager, e-mail, and other suitable communication avenues.”)

4. The method of claim 3 wherein the initiated procedure combines like additive attributes from the set of additive attributes associated with each one of the subset of unique tags to provide a set of totaled attributes for the one unique tag. (col.5, lines 30-42)

5. The method of claim 4 wherein the initiated procedure selects an output set of data from the

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subset of unique tags and the set of totaled attributes in accordance with a set of parameters included in the query. (col.6, lines 11-58)

6. The method of claim 5 wherein the initiated procedure sorts the output set in accordance with the set of parameters. (“the content repository segment (CRS) 91 stores, manages, and distributes substantially all acquired travel information”)

7. The method of claim 4 wherein the initiated procedure calculates a set of derived attributes from the set of totaled attributes for the one unique tag. (“the content repository segment (CRS) 91 stores, manages, and distributes substantially all acquired travel information”)

8. The method of claim 7 wherein the derived attributes are calculated using a derived attribute definition received in a prior query. (“the content repository segment (CRS) 91 stores, manages, and distributes substantially all acquired travel information”)

9. The method of claim 7 wherein the initiated procedure selects an output set of data from the subset of unique tags, the set of totaled attributes and the set of derived attributes in accordance with a set of parameters included in the query. (“the content repository segment (CRS) 91 stores, manages, and distributes substantially all acquired travel information”)

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10. The method of claim 9 wherein the initiated procedure sorts the output set in accordance with the set of parameters. (“the content repository segment (CRS) 91 stores, manages, and distributes substantially all acquired travel information”)

Claims 11-39 are similarly rejected as in claims 1-10.

11. A method of grouping metrics data in a metrics database comprising: providing a metrics database comprising metrics data that describes characteristics of a software product; receiving a query; initiating a procedure to retrieve from the metrics database a set of tags and a set of additive attributes associated with the set of tags, to combine like additive attributes from the set of additive attributes to produce a set of group attributes, and to assign a group tag to the set of group attributes.

12. A memory for storing data configured for processing by an interface module being executed on a computer system, comprising: a set of tag identifiers; and a command for accessing a set of metrics data wherein, upon reading the command, the interface module initiates a get module to retrieve from a metrics database a set of tags corresponding to the set of tag identifiers and to determine a subset of unique tags from the set of tags based on a condition.

13. The memory of claim 12 further comprising a set of additive attribute identifiers associated with each one of the set of tags, wherein the get module retrieves a set of additive attributes corresponding to the set of additive attribute identifiers and combines like additive attributes from the set of additive attributes associated with each one of the subset of unique tags to provide a set of totaled attributes for the one unique tag.

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14. The memory of claim 13 further comprising a set of derived attribute identifiers, wherein the get module calculates a set of derived attributes from the set of totaled attributes based on a set of derived attribute definitions associated with the set of derived attribute identifiers.

15. The memory of claim 13 further comprising a set of parameters, wherein the get module selects an output set of the set of tags and the set of additive attributes in accordance with the set of parameters.

16. The memory of claim 14 further comprising a set of parameters wherein the get module selects an output set of the set of tags, the set of additive attributes, and the set of derived attributes in accordance with the set of parameters.

17. A memory for storing data configured for processing by an interface module being executed on a computer system, comprising: a group tag; a set of tag identifiers; and a command for grouping a set of metrics data wherein, upon reading the command, the interface module initiates a grouping module for: retrieving a set of tags corresponding to the set of tag identifier; retrieving a set of additive attributes associated with the set of tags; combining like additive attributes from the set of additive attributes to produce a set of group attributes, and assigning the group tag to the set of group attributes.

18. A system for interfacing with a metrics database comprising: a central processing unit; and an interface module configured for execution by the central processing unit, the interface module comprising instructions for: receiving a query from an application program; initiating a get module in response to the query, the get module comprising instructions for: retrieving from the metrics database a set of tags; and determining a subset of unique tags from the set of unique tags based on a condition.

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19. The system of claim 18 wherein the get module further comprises instructions for:
determining a set of unique identification attributes from the set of tags; calculating a set of combinations from the set of unique identification attributes; and selecting a subset of the set of combinations wherein each one of the subset of combinations matches a one of the set of tags.
20. The system of claim 18 wherein the get module further comprises instructions for retrieving from the metrics database a set of additive attributes associated with each one of the set of tags.
21. The system of claim 20 wherein the get module further comprises instructions for combining like additive attributes from the set of additive attributes associated with each one of the subset of unique tags to provide a set of totaled attributes for the one unique tag.
22. The system of claim 21 wherein the get module further comprises instructions for selecting an output set of metrics data from the subset of unique tags and the set of totaled attributes in accordance with a set of parameters included in the query.
23. The system of claim 22 wherein the get module further comprises instructions for sorting the output set in accordance with the set of parameters.
24. The system of claim 21 wherein the get module further comprises instructions for calculating a set of derived attributes from the set of totaled attributes for the one unique tag.
25. The system of claim 24 wherein the get module further comprises instructions for calculating the set of derived attributes using a derived attribute definition.
26. The system of claim 24 wherein the get module further comprises instructions for selecting an output set of data from the subset of unique tags, the set of totaled attributes and the set of derived attributes in accordance with a set of parameters included in the query.
27. The system of claim 26 wherein the get module further comprises instructions for sorting the

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output set in accordance with the set of parameters.

28. A system for interfacing with a metrics database comprising: a central processing unit; and an interface module, configured for execution by the central processing unit, the interface module comprising instructions for: receiving a query from an application program; and initiating a grouping module in response to the query, the grouping module comprising instructions for: retrieving from the metrics database a set of tags and a set of additive attributes associated with the set of tags in response to the query; combining like additive attributes from the set of additive attributes to produce a set of group attributes; and assigning a group tag to the set of group attributes.

29. A computer program product for use in conjunction with a computer system, the computer program product comprising a computer readable storage medium and a computer program mechanism embedded therein, the computer program mechanism comprising: an interface module comprising instructions for receiving a query; and a get module comprising instructions for: retrieving from a metrics database a set of tags; and determining a subset of unique tags from the set of tags based on a condition.

39. A computer program product for use in conjunction with a computer system, the computer program product comprising a computer readable storage medium and a computer program mechanism embedded therein, the computer program mechanism comprising: an interface module comprising instructions for receiving a query; a grouping module comprising instructions for: retrieving from a metrics database a set of tags and a set of additive attributes associated with the set of tags in response to a query; adding together like additive attributes

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from the set of additive attributes to produce a set of group attributes; and assigning a group tag to the set of group attributes.


Response to Arguments

7. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic


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